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[WFO 141]

PART 1468—GRAIN

RESTRICTIONS ON DISTRIBUTION AND USE OF GRAIN

The fulfillment of requirements for war and essential civilian needs has created a shortage in the supply of grain for war needs, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1468.11 *Distribution and use of grain for alcohol, alcoholic beverages and spirits*—(a) *Definitions*. (1) "Grain" means corn, wheat, grain sorghums, barley, rye, granular wheat flour, granular rye flour, or any other grain or grain product used by a distiller in the manufacture of alcohol or alcoholic beverages or spirits.

(2) "Corn" means yellow, white, or mixed shelled corn, or snap corn, of the dent or flint varieties, in any form, whether whole or crushed or mixed with other grains.

(3) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(4) "Registered distillery" means a plant established and operated under Internal Revenue laws and regulations for the production of distilled spirits.

(5) "Industrial alcohol plant" means a plant established and operated under Internal Revenue laws and regulations for the production of industrial alcohol.

(6) "Ethyl alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more; but does not include the substance commonly known as whiskey, brandy, rum or gin or other spirits produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(7) "Butyl alcohol" means that substance known as butyl alcohol or hydrated oxide of butyl, derived by fermentation.

(8) "Export" means to ship corn to a foreign country, or to sell corn to the government of a foreign country or to any buyer whose principal place of business is in a foreign country.

(9) "Foreign country" shall not include the Philippine Islands.

(10) "Futures contract" means a contract of sale for the future delivery of corn traded in on any contract market designated under the Commodity Exchange Act, 7 U.S.C. 1-17a.

(11) "Accept delivery" means to receive custody, control, physical possession, or legal title.

(12) "Feed recovery plant" means any facility of a distiller which may be used to recover livestock feed from the by-products

of the manufacture of alcohol or alcoholic beverages or spirits.

(13) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(14) "Director" means the Director of Basic Commodities, Commodity Credit Corporation, United States Department of Agriculture.

(b) *Use of grain for alcohol, alcoholic beverages and spirits*. Unless otherwise authorized by the Director, no distiller shall use corn or corn products for the manufacture of ethyl alcohol except as the production of ethyl alcohol results from the manufacture of butyl alcohol or butyl solvents, and no distiller shall use grain or grain products for the manufacture of distilled spirits for beverage purposes, provided that:

(1) In the case of registered distilleries, beer entering the beer well after 12:01 a. m., August 1 and until 11:59 p. m., August 6, if derived from grain other than corn or corn products, may be distilled and the spirits produced therefrom may be removed for beverage purposes, pursuant to Internal Revenue laws and regulations.

(2) In the case of Industrial Alcohol Plants with basic distillers' Federal Alcohol Administration Act permits, beer entering the beer well after 12:01 a. m., August 1 and until 11:59 p. m., August 3, if derived from grain other than corn or corn products, may be distilled and the spirits produced therefrom may be removed for beverage purposes, pursuant to Internal Revenue laws and regulations.

(c) *Purchase, sale and delivery of corn*. No person shall sell or contract to sell corn to any distiller, and no distiller or any person acting on behalf of a distiller shall purchase, contract to purchase, or accept delivery of corn, *Provided, however*, That the provisions of this paragraph (c) shall not apply to corn purchased, sold or delivered under a futures contract or for the manufacture of butyl alcohol.

(d) *Export of corn*. No person shall export corn to a foreign country or purchase or contract to purchase corn for export to a foreign country.

(e) *Recovery of feed by-products*. No distiller with a feed recovery plant shall use any grain in the manufacture of alcohol or alcoholic beverages or spirits by any process which includes distillation, unless all feed by-products from grain so processed be recovered up to the maximum capacity of such plant.

(f) *Existing contracts*. The provisions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(g) *Records and reports*. (1) Every distiller shall, on or before August 11, 1945, file a report of his daily mash bills covering all days during which he produced distilled spirits for beverage purposes

pursuant to the provisions of this order.

(2) Every person subject to this order shall, for at least one year or for such period of time as the Director may designate, maintain an accurate record of his transactions in grain.

(3) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Audits and inspections*. The Director shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of grain, grain products, alcohol, alcoholic beverages or spirits of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(j) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, alcohol, alcoholic beverages or spirits. Any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority*. The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(l) *Communications*. All reports required to be filed hereunder and all com-

munications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 141, Office of Basic Commodities, Commodity Credit Corporation, United States Department of Agriculture, Washington 25, D. C.

(m) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(n) *Effective date.* This order shall become effective at 12:01 a. m., August

1st, 1945, and shall supersede in all respects War Food Order No. 132 (10 F. R. 7237) and War Food Order No. 138 (10 F. R. 8648). With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 132 or War Food Order No. 138, all provisions of said War Food Order No. 132 and War Food Order No. 138 shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding

with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 26th day of July 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

SEPT. 4, 1945

DEPARTMENT OF AGRICULTURE

[WFO 141, Amdt. 1]

PART 1468—GRAIN

MISCELLANEOUS AMENDMENTS

War Food Order No. 141 (10 F.R. 9381),
is hereby amended as follows:

1. By deleting paragraph (a) (14)
and substituting in lieu thereof the fol-
lowing:

(14) "Assistant Administrator" means
the Assistant Administrator in charge
of regulatory matters, Production and
Marketing Administration, United States
Department of Agriculture.

2. By deleting paragraph (b) and sub-
stituting in lieu thereof the following:

(b) *Use of grain for alcohol, alcoholic
beverages and spirits.* Unless author-
ized by the Assistant Administrator, no
distiller shall use grain or grain prod-
ucts for the manufacture of distilled
spirits for beverage purposes, and no
distiller shall use grain sorghums, corn
or corn products for the manufacture of
ethyl alcohol except as the production of

ethyl alcohol results from the produc-
tion of butyl alcohol or butyl solvents.

3. By inserting at the beginning of
paragraph (d), the following: "Unless
otherwise authorized by the Assistant
Administrator,".

4. By deleting paragraph (e) and sub-
stituting in lieu thereof the following:

(e) *Recovery of feed byproducts.* No
distiller shall use any grain in the
manufacture of alcohol or alcoholic bev-
erages or spirits by any process which
includes distillation unless all feed by-
products from the grain so processed be
recovered either by wet feeding, drying,
or otherwise, in an amount equivalent to
not less than 15 pounds of dried feed per
56 pound bushel of whole grain process-
essed.

5. By deleting paragraph (g) (1) and
substituting in lieu thereof the follow-
ing:

(1) Every distiller shall, within 10
days after the close of each calendar
month, mail to the Order Administrator
a report showing (i) amounts and kinds

of grain used for the distillation of
spirits for beverage purposes, (ii)
amounts and kinds of grain used for
other purposes, and (iii) the amount of
feed recovered.

This amendment shall become effective
at 12:01 a. m., e. w. t., September 1, 1945.
With respect to violations, rights ac-
crued, liabilities incurred, or appeals
taken, prior to said date, under War
Food Order No. 141, all provisions of said
order shall be deemed to remain in full
force for the purpose of sustaining any
proper suit, action, or other proceeding
with respect to any such violation, right,
liability or appeal.

NOTE: All reporting requirements of this
order have been approved by the Bureau of
the Budget in accordance with the Federal
Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10
F.R. 8087)

Issued this 4th day of September 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

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AMDT. 2
FEB. 26, 1946

DEPARTMENT OF AGRICULTURE

[WFO 141, Amdt. 2]

PART 1468—GRAIN

USE OF GRAIN FOR DISTILLED PRODUCTS

War Food Order No. 141, as amended (10 F.R. 9381, 11381), is further amended to read as follows:

§ 1468.11 *Distribution and use of grain for alcohol, alcoholic beverages, and spirits* — (a) *Definitions*. (1) "Grain" means corn, wheat, grain sorghums, barley, rye, granular wheat flour, granular rye flour, or any other grain or grain product used by a distiller in the manufacture of alcohol or alcoholic beverages or spirits.

(2) "Corn" means yellow, white, or mixed shelled corn, or snap corn, of the dent or flint varieties, in any form, whether whole or crushed or mixed with other grains.

(3) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(4) "Ethyl alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more; but does not include the substance commonly known as whisky, brandy, rum, or gin or other spirits produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(5) "Butyl alcohol" means that substance known as butyl alcohol or hydrated oxide of butyl, derived by fermentation.

(6) "Futures contract" means a contract of sale for the future delivery of corn traded in on any contract market designated under the Commodity Exchange Act, 7 U. S. C. 1-17a.

(7) "Accept delivery" means to receive custody, control, physical possession, or legal title.

(8) "Feed recovery plant" means any facility of a distiller which may be used to recover livestock feed from the by-products of the manufacture of alcohol or alcoholic beverages or spirits.

(9) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(10) "Assistant Administrator" means the Assistant Administrator, for regulatory and marketing service work, Production and Marketing Administration, United States Department of Agriculture.

(b) *Use of grain for alcohol, alcoholic beverages, spirits, ethyl alcohol, or butyl alcohol*. Unless otherwise authorized by the Assistant Administrator, no distiller

shall use grain or grain products for the manufacture of distilled spirits for beverage purposes, or for the manufacture of ethyl alcohol or butyl alcohol.

(c) *Recovery of feed by-products*. No distiller shall use any grain in the manufacture of alcohol or alcoholic beverages or spirits by any process which includes distillation unless all feed by-products from the grain so processed be recovered, either by wet feeding, drying, or otherwise, in an amount equivalent to not less than 15 pounds of dried feed per 56 pound bushel of whole grain processed.

(d) *Existing contracts*. The provisions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(e) *Records and reports*. (1) Every distiller shall, within 10 days after the close of each calendar month, mail to the Order Administrator a report showing (i) amounts and kinds of grain used for the distillation of spirits for beverage purposes, (ii) amounts and kinds of grain used for other purposes, and (iii) the amount of feed recovered.

(2) Every person subject to this order shall, for at least one year or for such period of time as the Assistant Administrator may designate, maintain an accurate record of his transactions in grain.

(3) The Assistant Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Audits and inspections*. The Assistant Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of grain, grain products, alcohol, alcoholic beverages or spirits of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the peti-

tioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the Assistant Administrator. After said review, the Assistant Administrator may take such action as he deems appropriate, which action shall be final.

(h) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, alcohol, alcoholic beverages or spirits. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority*. The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(j) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 141, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope*. This order shall apply within the 48 States and the District of Columbia.

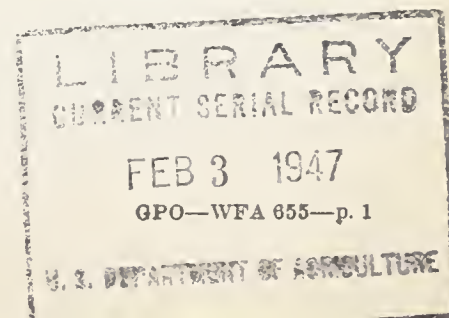
(l) *Effective date*. This amendment shall become effective at 12:01 a. m., e. s. t., March 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 26th day of February 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.



U. S. Department of Agriculture
Summary to WFO-141 Amendment 2

The Department of Agriculture announced today an amendment to WFO-141 prohibiting the use of grain in the production of ethyl and butyl alcohol unless specifically authorized by the Assistant Administrator of the Production and Marketing Administration.

WFO-141 was issued last July 26. At that time the Reconstruction Finance Corporation was buying grain industrial alcohol (ethyl and butyl) produced from domestic and foreign grain. This program was discontinued in September. Since then little grain has been used for

industrial alcohol production. However, recent inquiries have indicated that some processors are contemplating a renewal of grain use for the manufacture of ethyl alcohol.

WFO-141 is now amended, effective March 1, 1946, to prohibit the use of all grain for the manufacture of ethyl and butyl alcohol unless otherwise authorized by the Assistant Administrator. This provision is the same as that applied to the beverage distilling industry. Officials believe that the restriction of grain use for industrial alcohol is desirable in view of the critical grain shortage and because the large stockpile of

industrial alcohol still held by the Reconstruction Finance Corporation is being made available to industrial alcohol processors for the same purposes that the renewed production is intended to supply.

The amended order also removes a provision governing exports of corn, since corn and corn products are now subject to export license control within allocations established by the Department of Agriculture. The amended order deletes the sections concerning the export of corn so as to eliminate the necessity for obtaining two approvals for such exports.

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DEPARTMENT OF AGRICULTURE

[WFO 141, Amdt. 3]

PART 1468—GRAIN

DISTILLERS' GRAIN INVENTORIES

War Food Order No. 141, as amended (11 F.R. 2217), is hereby further amended as follows:

1. By adding immediately after paragraph (a) (10), the following new paragraph:

(11) "Inventory" means the total quantity of grain owned, whether in store or in transit.

2. By adding immediately after paragraph (e) (3), the following new paragraph:

(4) Every distiller shall, on or before April 22, 1946, mail a report to the Assistant Administrator, showing the following as of April 15, 1946:

- (i) Grain on hand on the premises;
- (ii) Grain stored at other places;
- (iii) Grain under contract to purchase;
- (iv) Grain in transit;
- (v) Futures contracts for grain, by months.

3. By adding immediately after paragraph (l) thereof, the following new paragraphs:

(m) *Excess inventories.* No distiller whose inventory of grain is in excess of a quantity necessary to operate for seven and one-half days based upon daily mashing capacity, shall use grain or grain products in the manufacture of

alcohol or of distilled spirits for beverage purposes.

(n) *Inventories.* No distiller shall accept delivery of grain if, either prior to or after acceptance of such delivery, his total inventory of grain, plus all quantities thereof bought to arrive or with respect to which he has a contract to purchase, exceeds a seven and one-half day supply based upon daily mashing capacity.

(o) *Certificates.* (1) No distiller shall accept delivery of grain from any person and no person shall deliver grain to a distiller unless, prior to acceptance of delivery the receiver executes and furnishes to his supplier a certificate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to ----- that he

(Name and address of supplier)
is familiar with the terms of War Food Order No. 141, that this certificate is furnished in order to enable the undersigned to acquire ----- of ----- to be delivered (Amount) (Kind of grain)

on or about -----, and that the receipt of such grain will not increase the undersigned's inventory of grain beyond the amount permitted under War Food Order No. 141.

(Purchaser)

By: -----
(Authorized official)

(Address)

(Date)

(2) All certificates executed under this paragraph shall be retained for at least two years and shall, upon request, be submitted to the Assistant Administrator for examination. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reason to believe it to be false.

This amendment shall become effective at 12:01 a. m., e. s. t., April 15, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of April 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

War Food Administration
Summary to WFO-141 Amendment 3

Limits on distillers inventories of grain to a 7½ days' supply based upon daily mashing capacity were announced today by the U. S. Department of Agriculture in an amendment of War Food Order No. 141, effective April 15, 1946.

The amendment also provides that any distiller whose inventory totals more than a 7½ days' supply shall use no grain or grain products in the manufacture of beverage alcohol or distilled spirits.

Today's action is one of a series of

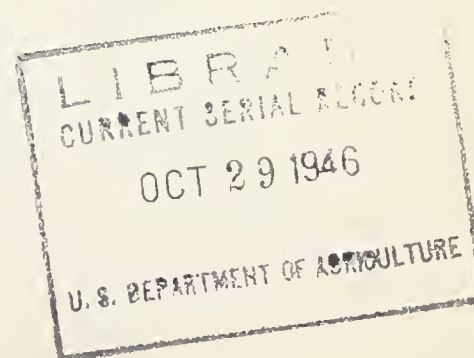
steps recently taken by the Department to increase market supplies of grain.

The limitation on inventories is that "no distiller shall accept delivery of grain if, either prior to or after acceptance of such delivery, his total inventory of grain, plus all quantities bought to arrive, or with respect to which he has a contract to purchase, exceeds a 7½ days' supply based upon daily mashing capacity."

The amendment also requires distillers to furnish suppliers of grain a certificate of compliance with the order showing the name of the supplier, the quantity and kind of grain to be deliv-

ered, and the approximate date of delivery. No distiller may accept delivery of grain from any person and no person may deliver grain to a distiller unless the distiller executes and furnishes this certificate to his supplier.

An additional requirement is that all distillers, on or before April 22, 1946, mail a report to the Department of Agriculture showing the following as of April 15, 1946: (1) Grain on hand on the premises, (2) grain stored at other places, (3) grain under contract to purchase, (4) grain in transit, and (5) futures contracts for grain by months.



DEPARTMENT OF AGRICULTURE

[WFO 141, Amdt. 5]

PART 1468—GRAIN

USE OF GRAIN BY DISTILLERS, BREWERS, AND
MIXED FEED MANUFACTURERS

War Food Order No. 141, as amended (11 F. R. 2217, 3997, 14065), is hereby further amended to read as follows:

§ 1468.11 *Use of grain for beverage spirits, malt beverages, and mixed feed—*
(a) *Definitions.* (1) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(2) "Brewer" means any person engaged in the business of manufacturing malt beverages.

(3) "Mixed feed manufacturer" means any person engaged in the commercial manufacture of mixed feed.

(4) "Ethyl alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more; but does not include those substances commonly known as whisky, brandy, rum or gin, or other spirits produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(5) "Butyl alcohol" means that substance known as butyl alcohol or hydrated oxide of butyl, derived by fermentation.

(6) "Malt beverages" means beer, ale, stout, porter, near-beer, and similar beverages produced by alcoholic fermentation of malted grain with hops or hop products, and with or without other food products.

(7) "Wheat" means all classes of wheat and includes whole grain, grits, flakes, and starch material derived from wheat.

(8) "Wheat products" means sugars and sirups derived in whole or in part from wheat.

(9) "Milling quality wheat" means wheat of all classes, except Red Durum, which grades number 3 or better, or which grades number 4 or number 5 on test weight only.

(10) "Rice" means all classes of rice including whole grain, grits, flakes, and starch material derived from rice.

(11) "Rice products" means sugars and sirups derived in whole or in part from rice.

(12) "Screenings milled rice (class XIV)," or "brewers milled rice (class XV)" means those classes of rice as defined in the "United States Standards for Milled Rice" (11 F. R. 9840), as now in effect or hereafter amended.

(13) "Use," with respect to the use of wheat or rice by a brewer, means to infuse into a mash, and with respect to the use of wheat products or rice products by a brewer, to introduce into a brew.

(14) "Quota period" means any 3-month period beginning March 1, June 1, September 1, or December 1.

(15) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(16) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture.

(b) *Use of grain by distillers.* (1) No distiller shall use wheat or wheat products in the manufacture of distilled spirits for beverage purposes or in the manufacture of ethyl alcohol or butyl alcohol.

(2) No distiller shall use rye in the manufacture of ethyl alcohol or butyl alcohol.

(3) No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of the greatest quantity computed under either subdivisions (i) or (ii) of this subparagraph:

(i) Ninety percent of the average monthly amount of rye used by such distiller during December 1946 and January 1947: *Provided, however,* That no distiller shall use rye in excess of fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during any month; or

(ii) Six percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during such month by each distilling plant operated by such distiller: *Provided, however,* That the minimum monthly allocation of rye for each distilling plant operated by such distiller shall be 2,000 bushels; *Provided, further,* That such minimum monthly allocation shall in no case exceed fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes by such distilling plant during such month.

Each distiller's total allocation of rye, or any part of such allocation, computed in accordance with either of the above formulae, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller.

(c) *Use of grain by brewers.* (1) No brewer shall use wheat or wheat products in the manufacture of malt beverages.

(2) No brewer shall use rice or rice products in the manufacture of malt beverages: *Provided,* That any brewer may, during any quota period, use screenings milled rice (class XIV), and products thereof, and brewers milled rice (class XV), and products thereof, in a total quantity not in excess of 100 percent of the quantity of rice and rice products used by such brewer in the manufacture of malt beverages during the quota period commencing with that month in 1945 which corresponds with the first month of the particular current quota period.

(d) *Use of wheat for mixed feed or grain mixtures.* (1) No mixed feed manufacturer shall use milling quality wheat

in the manufacture of mixed feed: *Provided, however,* That any mixed feed manufacturer located in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or in that part of the State of Montana which is on or south of the main line of the Chicago, Milwaukee, St. Paul & Pacific Railroad or west of the Continental Divide may, during any calendar quarter, use milling quality wheat in the manufacture of mixed feed in a quantity not in excess of 40 percent of the quantity of grain so used by such manufacturer during the corresponding calendar quarter of 1945.

(2) No person shall use milling quality wheat for making any mixture of grains for sale as an ingredient in the manufacture of mixed feed.

(e) *Records and reports.* (1) Every distiller shall, within ten (10) days after the close of each calendar month, mail to the Order Administrator a report showing (i) amounts and kinds of grain used for the distillation of spirits for beverage purposes, and (ii) amounts and kinds of grain used for other purposes.

(2) Every person subject to this section shall, for at least two years or for such period of time as the Administrator may designate, maintain an accurate record of his transactions in grain, grain products, malted grain, malt sirup, and mixed feed.

(3) The Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of grain, grain products, malted grain, malt sirup, alcoholic beverages, malt beverages, and mixed feed of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section.

(g) *Petition for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the

Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(h) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, malted grain, malt sirup, alcohol, alcoholic beverages or spirits, malt beverages, or mixed feed. Any person who wilfully violates any provision of this section is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section.

(i) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this section, are hereby

delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 141, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope.* This section shall apply within the forty-eight (48) States and the District of Columbia.

(l) *Effective date; War Food Orders 66 and 144 terminated.* This amendment shall become effective at 12:01 a. m., e. s. t., March 1, 1947, and shall supersede in all respects War Food Order No. 66 and War Food Order No. 144, which

are hereby terminated. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 66, War Food Order No. 141, or War Food Order No. 144, all provisions of said orders shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

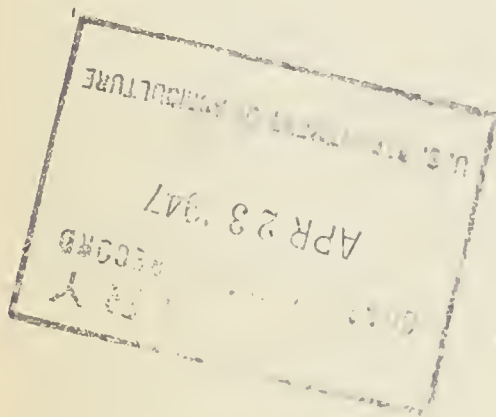
NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1943, 3 CFR, 1945 Supp.)

Issued this 20th day of February 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.



UNITED STATES DEPARTMENT OF AGRICULTURE
PRODUCTION & MARKETING ADMINISTRATION
WASHINGTON 25, D. C.

OFFICIAL BUSINESS

GPO—PMA 134—p. 2

Penalty for Private Use to Avoid Payment of
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SEPT. 26, 1946

DEPARTMENT OF AGRICULTURE

[War Food Order 141-1]

PART 1468—GRAIN

DISTILLERS' GRAIN QUOTAS

Pursuant to the authority vested in me by War Food Order No. 141 (11 F. R. 2217, 3997), it is hereby ordered as follows:

§ 1468.15 *Grain quotas for distillers of beverage spirits*—(a) *Definitions*. (1) "Daily mashing capacity" means the quantity of grain mashed in a particular plant during any five consecutive calendar days from January 1, 1945, to the effective date of this order, divided by 5.

(2) Any term not specifically defined herein shall have the meaning set forth for such term in War Food Order No. 141.

(b) *Quotas for September 1946*. Except as hereinafter otherwise provided:

(1) Every distiller may, in each plant operated by him during the month of September 1946, use grain or grain products for the manufacture of distilled spirits for beverage purposes in a quantity not in excess of the following quantity:

(i) Three times the daily mashing capacity of such plant plus

(ii) Three thousand bushels;

Grain already used in September is chargeable against this quota; *Provided, however*, That any distiller whose total allocation of grain and grain products under this order for all plants operated by him is less than 6,000 bushels may use not in excess of 6,000 bushels.

(2) No distiller shall use corn grading No. 1, 2, or 3, when purchased, or wheat or wheat products.

(3) No distiller shall during the month of September 1946, use rye in the manufacture of distilled spirits for beverage purposes in a quantity in excess of 6 percent of the total quantity of grain and grain products authorized to be used by him during such month, or in excess of 2,000 bushels, whichever quantity is the greater; *Provided, however*, That in no case shall the quantity of rye used by any distiller exceed 15 percent of the total quantity of grain and grain products authorized to be used by him during such month under the terms of this order.

(c) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, alcohol, alcoholic beverages or spirits. Any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, and provision of this order.

(d) *Territorial scope*. This order shall apply within the 48 States and the District of Columbia.

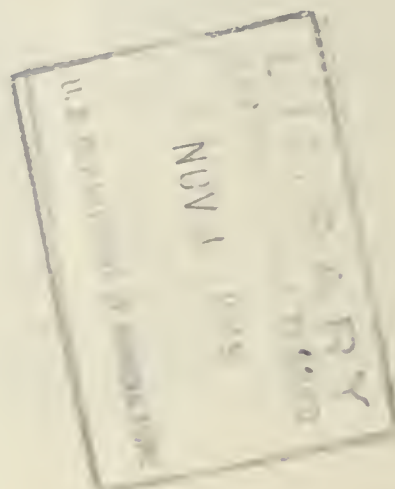
(e) *Effective date*. This order shall become effective at 12:01 a. m., e. s. t., September 26, 1946.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 141, 11 F. R. 2217, 3997)

Issued this 26th day of September, 1946.

[SEAL]

C. C. FARRINGTON,
Assistant Administrator.



GPO—PMA 134—p. 2

UNITED STATES DEPARTMENT OF AGRICULTURE
PRODUCTION & MARKETING ADMINISTRATION
WASHINGTON 25, D. C.

OFFICIAL BUSINESS

Penalty for Private Use to Avoid Payment of
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DEPARTMENT OF AGRICULTURE

[WFO 141-1, Amdt. 1]

PART 1468—GRAIN

DISTILLERS' GRAIN QUOTAS

War Food Order No. 141-1 (11 F. R. 10910), is hereby amended by deleting § 1468 15 (b) and substituting in lieu thereof the following:

(b) *Quotas for October 1946.* (1) Except as hereinafter otherwise provided, every distiller may, in each plant operated by him during the month of October 1946, use grain or grain products for the manufacture of distilled spirits for beverage purposes in a quantity not in excess of the following quantity:

(i) Three times the daily mashing capacity of such plant plus

(ii) Three thousand bushels.

In addition to the quantity of grain or grain products permitted to be used under the above formula, each distiller other than a distiller receiving 6,000 minimum bushel quota in September

may, in each plant operated by him during the month of October 1946, use any unused portion of his September allocation of grain or grain products not to exceed 3,000 bushels on condition that on or before October 5, 1946, he reports the amount of such carry-over to the Order Administrator: *Provided, however,* That any distiller whose total allocation of grain and grain products for all plants under the above formula is less than 6,000 bushels, may use not in excess of 6,000 bushels.

(2) No distiller shall use corn grading Nos. 1, 2, or 3, when purchased, or wheat or wheat products.

(3) No distiller shall during the month of October 1946, use rye in the manufacture of distilled spirits for beverage purposes in a quantity in excess of 6 percent of the total quantity of grain and grain products authorized to be used by him during such month, or in excess of 2,000 bushels, whichever quantity is the greater: *Provided, however,* That in no

case shall the quantity of rye used by any distiller exceed 15 percent of the total quantity of grain and grain products authorized to be used by him during such month under the terms of this order.

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. A. 141, 11 F. R. 2217, 3997)

Issued this 30th day of September 1946.

[SEAL]

C. C. FARRINGTON,
Assistant Administrator.

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DEPARTMENT OF AGRICULTURE

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p. 6

DEPARTMENT OF AGRICULTURE

WFO 141-1

AMDT. 2
OCT. 18, 1946

[WFO 141-1, Amdt. 2]

PART 1463—GRAIN

DISTILLERS' GRAIN QUOTAS

War Food Order No. 141-1, as amended (11 F. R. 11187), is hereby further amended to read as follows:

§ 1468.15 *Grain quotas for distillers of beverage spirits*—(a) *Definitions*. (1) "Daily mashing capacity" means one-fifth of the quantity of grain mashed in a particular distilling plant during any five consecutive calendar days since January 1, 1945, as certified by the Alcohol Tax Unit, Internal Revenue Bureau, Treasury Department, and filed with the Order Administrator prior to the first day of any month (other than October 1946) in which grain or grain products are used upon the basis of such figures. In the case of any distilling plant which was not in operation prior to the effective date of this amendment, a figure representing daily mashing capacity will be established upon application to the Order Administrator.

(2) "Order Administrator" means any employee of the Department of Agriculture designated by the Administrator to administer the provisions of this order.

(3) Any term not specifically defined herein shall have the meaning set forth for such term in War Food Order No. 141 11 F. R. 2217, 3997).

(b) *Monthly quotas*. Except as hereinafter otherwise provided, every distiller may, during each calendar month, use grain or grain products in the manufacture of distilled spirits for beverage purposes in a quantity not to exceed the greatest quantity as computed under subparagraphs (1), (2), or (3) below:

(1) Five times that portion of the daily mashing capacity of each distilling plant which is not in excess of 5,000 bushels, plus 4 times that portion of the daily mashing capacity of such distilling plant which is in excess of 5,000 bushels but not in excess of 10,000 bushels, plus 3 times that portion of the daily mashing capacity of such plant which is in excess of 10,000 bushels, or

(2) Three times the daily mashing capacity of each distilling plant, plus 3,000 bushels per plant, or

(3) Six thousand bushels per distilling plant.

Provided, however, That all grain used in October 1946 under any allocation in effect prior to the effective date of this amendment shall be chargeable against the October 1946 quota as computed under this amendment.

(c) *Use of corn, wheat, or wheat products*. No distiller shall use corn grading Nos. 1, 2, or 3, when purchased, or wheat or wheat products, in the manufacture of distilled spirits for beverage purposes.

(d) *Use of rye*. No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of a quantity computed as follows: 6 percent of the total quantity of grain and grain products authorized to be used during such month by each distilling plant operated by such distiller: *Provided*, That the minimum monthly allocation of rye for any distilling plant operated by such distiller shall be calculated at 2,000 bushels: *Provided, further*, That such minimum monthly allocation shall in no case exceed 15 percent of the total quantity of grain or grain products authorized to be used by such distilling plant during

such month. Each distiller's total allocation of rye or any part of such allocation, computed in accordance with the above formula, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller.

(e) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, alcohol, alcoholic beverages or spirits. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(f) *Territorial scope*. This order shall apply within the 48 States and the District of Columbia.

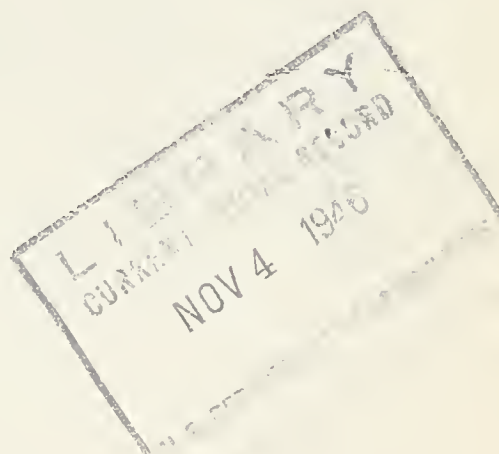
This amendment shall become effective at 12:01 a. m., e. s. t., on October 21, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, 9 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 141, 11 F. R. 2217, 3997)

Issued this 18th day of October 1946.

[SEAL]

C. C. FARRINGTON,
Assistant Administrator.



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WFO 141-1

DEPARTMENT OF AGRICULTURE

AMDT. 4
FEB. 5, 1947

[WFO 141-1, Amdt. 4]

PART 1468—GRAIN

USE OF CORN AND RYE FOR DISTILLED
PRODUCTS

War Food Order No. 141-1, as amended
(11 F. R. 14065), is hereby further
amended as follows:

1. By deleting paragraph (d) entitled
Use of corn.
2. By deleting paragraph (e) entitled
Use of rye, and substituting in lieu
thereof the following:

§ 1468.15 *Grain quotas for distillers
of beverage spirits.* * * *

(d) *Use of rye.* (1) No distiller shall
use rye in the manufacture of ethyl alcohol
or butyl alcohol.

(2) No distiller shall, during any calendar
month, use rye in the manufacture
of distilled spirits for beverage purposes
in excess of the greatest quantity computed
under either of the two following

subdivisions (i) or (ii) of this sub-
paragraph.

(i) Ninety percent of the average
monthly amount of rye used by such distiller
during December 1946 and January 1947; or

(ii) Six percent of the total quantity
of grain and grain products used in the
manufacture of distilled spirits for beverage
purposes during such month by each distilling
plant operated by such distiller: *Provided*, That the
minimum monthly allocation of rye for each distilling
plant operated by such distiller shall be 2,000 bushels.

Each distiller's total allocation of rye
or any part of such allocation, computed
in accordance with either of the above
formulae, may, during the month for which
such allocation is in effect, be used in any
distilling plant operated by such distiller: *Provided*, That the
total quantity of rye used by any distiller during
any calendar month under the provisions of this
subparagraph shall not

exceed fifteen percent of the total quantity
of grain or grain products used in the
manufacture of distilled spirits for beverage
purposes by such distiller during such month.

This amendment shall become effective at 12:01 a. m., e. s. t., February 6, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179,
E. O. 9577, June 25, 1945, 10 F. R. 8087)

Issued this 5th day of February 1947.

[SEAL] C. C. FARRINGTON,
Assistant Administrator, Production and Marketing Administration.

FEB 10 1947

DEPARTMENT OF AGRICULTURE

